

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ePLUS, INC.,)	
)	
)	Civil Action No. 3:09cv620
Plaintiff,)	
)	
v.)	
)	
LAWSON SOFTWARE, INC.)	
)	
)	
Defendant.)	

**SECOND SUPPLEMENTAL MEMORANDUM IN FURTHER SUPPORT OF
DEFENDANT LAWSON SOFTWARE, INC.'S MOTION TO STAY PROCEEDINGS IN
LIGHT OF REEXAMINATIONS OF PATENTS-IN-SUIT**

Defendant Lawson Software, Inc. ("Lawson") submits this second supplemental memorandum in support of its Motion to Stay to notify the Court of relevant events in the reexaminations of the patents-in-suit that occurred after the initial supplemental memoranda by the parties.

As stated in Lawson's Supplemental Memorandum in support of its Motion to Stay filed November 19, the Patent Office issued an initial rejection of all the claims of the '172 patent on October 23, 2009. (Dkt. 124 at 1.) ePlus's response to the Patent Office's rejection was due on December 23, 2009. On December 16, however, ePlus filed a petition for an extension of time to file its response, which was granted on December 23, 2009. *See* Petition for Extension and Decision Granting Extension attached hereto as Exhibit A.

ePlus's request for an extension contradicts its repeated assertions in this case that a stay should be denied because reexaminations take too long. By seeking an extension to respond to the Patent Office's rejection, ePlus is contributing to the delay about which it complains and may,

if a stay is not granted, delay a final decision by the Patent Office until after trial in this case. As ePlus has acted to delay the reexamination, its argument against a stay because of the length of reexaminations should be rejected.

LAWSON SOFTWARE, INC.

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CERTIFICATE OF SERVICE

I certify that on this 4th day of January, 2010, a true copy of the foregoing will be filed electronically with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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